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 RIGGENBERG, OFFICER CARLOS REAL AND OFFICER L. JOHNSON

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

10 FRED CLARK, JR., 11 12 Plaintiff, 13 14 v. 15 THE CITY OF SAN DIEGO OFFICER MARK RINGGENBERG (#6605) OFFICER CARLOS REAL (#5495) OFFICER L. JOHNSON (359540, 16 17 Defendants.) Case No. 12cv1186 JLS (BLM))) EX PARTE MOTION TO EXCUSE) DEFENDANTS MARK) RINGGENBERG FROM) ATTENDING MANDATORY) SETTLEMENT CONFERENCE)) Magistrate: Hon. Barbara L. Major) Courtroom: Suite 1140) Date: April 15, 2013) Time: 9:30 a.m.
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Defendants, City of San Diego, Officer Mark Riggenberg, Officer Carlos Real and Officer L. Johnson (hereinafter Defendants) hereby submit their Ex Parte Motion to Excuse the Personal Attendance of Officer Mark Riggenberg from the Mandatory Settlement Conference scheduled for April 15, 2013, as Officer Riggenberg is no longer with the San Diego Police Department and currently lives in Minnesota.

Officer Carlos Real and Officer L. Johnson will be attending the conference and have first- hand knowledge of what transpired. Any settlement of this case would be approved by the Mayor, the Mayor's delegate or City Council, not Officer Riggenberg.

1 Consequently, I am requesting permission to attend the Mandatory
2 Settlement Conference scheduled for April 15, 2013, at 9:30 a.m. without Officer
3 Riggerberg.

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5 Dated: March 18, 2013

JAN I. GOLDSMITH, City Attorney

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7 By /s/ John E. Riley

8 John E. Riley
 Deputy City Attorney

9 Attorney for Defendants CITY OF
10 SAN DIEGO, OFFICER MARK
11 RIGGERBERG, OFFICER CARLOS
12 REAL AND OFFICER L. JOHNSON
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1 **UNITED STATES DISTRICT COURT**
2 **SOUTHERN DISTRICT OF CALIFORNIA**

3 FRED CLARK, JR.,
4 Plaintiff,

5 v.

6 THE CITY OF SAN DIEGO
7 OFFICER MARK RINGGENBERG
8 (#6605)
9 OFFICER CARLOS REAL (#5495)
10 OFFICER L. JOHNSON (359540)
11 Defendants.

Case No. 12cv1186 JLS (BLM)

DECLARATION OF SERVICE

11 I, Anna Lonergan declare that I am, and was at the time of service of the
12 papers herein referred to, over the age of eighteen years and not a party to the
13 action; and I am employed in the County of San Diego, California, in which county
14 the within-mentioned mailing occurred. My business address is 1200 Third Avenue,
Suite 1100, San Diego, California, 92101.

15 I further declare that I am readily familiar with the business' practice for
16 collection and processing of correspondence for mailing with the United States
17 Postal Service; and that the correspondence shall be deposited with the United
States Postal Service this same day in the ordinary course of business.

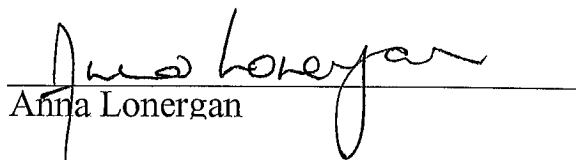
18 I served the following document(s): **EX PARTE MOTION TO EXCUSE**
19 **DEFENDANTS MARK RINGGENBERG FROM ATTENDING**
MANDATORY SETTLEMENT CONFERENCE, on the following:

20 Fred Clark, Jr.
21 10 River Edge Road
22 Bergenfield, NJ 07621
Tel: (914) 714-6147
Attorney representing Fred Clark, Jr.

23 by placing a copy thereof in a separate envelope for each addressee named
24 hereafter, addressed to each such addressee respectively as follows:

25 **[X] (BY MAIL)** I served the individual named by placing the documents in a
26 sealed envelope. I then placed it for collection and mailing with the United States
27 Postal Service this same day, at my address shown above, following ordinary
28 business practices.

1 I declare under penalty of perjury under the laws of the State of California
2 that the foregoing is true and correct. Executed on March 18, 2013, at San Diego,
3 California.

4 
Anna Lonergan